

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

JS 6

Case No. CV 12-7498 DSF (AJWx)

Date 9/10/12

Title Arturo Martin v. RCSH Operations, Inc.

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order REMANDING Case for Lack of Subject Matter Jurisdiction

This case was removed from state court on August 31, 2012 by “RCSH Management, Inc., incorrectly sued as RCSH Operations, Inc.” Apparently, defense counsel believes that it can unilaterally substitute a different party for the named defendant. This is not a situation where a plaintiff misspelled the name of an entity or identified an entity as a corporation when it is an LLC. There are admittedly two distinct entities: RCSH Operations, Inc., which Plaintiff sued, and RCSH Management, Inc., which he did not. Those two entities do not get to decide between them who will participate in the lawsuit. If Plaintiff sued a company that he never worked for, then he may lose. But he will do it in state court.

The case is REMANDED to the Superior Court of California, County of Los Angeles.

IT IS SO ORDERED.